

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

US DISTRICT COURT
WESTERN DIST ARKANSAS
FILED

AUG 18 2017

DOUGLAS F. YOUNG, Clerk

DUNCAN BRATTON

By ~~PLAINTIFF~~

v.

No. 6:17-CV- 6075

KOMPTECH AMERICAS, LLC, and
POWERSCREEN OF TEXAS

DEFENDANTS

NOTICE OF REMOVAL

In accordance with 28 U.S.C. §§ 1441 and 1446, defendant Komptech Americas, LLC (“Komptech”) gives notice of the removal of this action from the Circuit Court of Garland County, Arkansas, to the United States District Court for the Western District of Arkansas, Hot Springs Division. This Court has original jurisdiction over this action based on diversity of citizenship, as shown by the following:

1. On July 14, 2017, plaintiff Duncan Bratton filed this lawsuit—styled *Duncan Bratton v. Komptech Americas, LLC, and Powerscreen of Texas*—in the Circuit Court of Garland County, Arkansas, as case number 26CV-17-735-III.

2. Komptech was served with a copy of the summons and complaint on or after July 21, 2017. Removal of this action is timely because it comes within thirty days of Komptech’s receipt of service of process. 28 U.S.C. § 1446(b)(1).

3. Attached as Exhibit A to this notice are “all process, pleadings, and orders served upon” Komptech. 28 U.S.C. § 1446(a).

4. The Court has original jurisdiction over this action because it is between citizens of different states, and the amount in controversy exceeds

\$75,000.00, exclusive of costs and interest, as pleaded in paragraph 24 of the complaint. 28 U.S.C. § 1332(a).

5. As pleaded in the complaint, the plaintiff is a citizen of Arkansas.

6. Komptech is a limited liability company formed under Colorado law with its principal place of business in Westminster, Colorado.

7. Komptech's sole member is M-L Holdings Company Environmental Group, LLC, which is a limited liability company formed under Texas law with its principal place of business in Denver, Colorado.

8. M-L Holdings Company Environmental Group, LLC's sole member is M-L Holdings Company, which is a corporation formed under Maryland law with its principal place of business in Baltimore, Maryland.

9. On information and belief, formed after an inquiry reasonable under the circumstances, defendant Powerscreen Texas, Inc., is a corporation formed under Texas law with its principal place of business in Texas.

10. Powerscreen Texas, Inc., has expressly authorized undersigned counsel to represent in writing that it consents to removal.

11. Complete diversity therefore exists. 28 U.S.C. § 1332(a)(1).

12. The United States District Court for the Western District of Arkansas, Hot Springs Division, embraces the county in which the state court action was pending.

13. Komptech has served a copy of this notice on counsel for the plaintiff, at the address provided in the summons; and Komptech will promptly file with the

clerk for the Circuit Court of Garland County, Arkansas, a copy of this notice. 28 U.S.C. § 1446(d).

14. Undersigned counsel states that this removal is well grounded in fact, warranted by existing law, and not interposed for any improper purpose.

15. Komptech expressly reserves any and all defenses that may be available to it in this action.

WHEREFORE, defendant Komptech Americas, LLC, removes this action from the Circuit Court of Garland County, Arkansas, to the United States District Court for the Western District of Arkansas, Hot Springs Division.

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Attorneys for Komptech Americas, LLC

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2017, a copy of the foregoing was served
by U.S. Mail and electronic mail on the following:

Mr. David A. Hodges
Attorney at Law
212 Center Street, Fifth Floor
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david@hodeslaw.com

Attorney for Plaintiff

A handwritten signature in black ink, appearing to read "E. Lee Lowther III", is written over a horizontal line.

E. Lee Lowther III